IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1832 OF 2005

Dilip Krishnaji Abhyhankar ...Petitioner
vs.
Champaklal V. Cheda & Ors. ...Respondents

Mr.S.M.Oak for the Petitioner
Mr.R.Y.Mirza,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 22,2005

P.C.:

1. The challenge in this Petition is to the order dated 7th June 2005. By the said order, the Additional Chief Metropolitan Magistrate permitted the Respondent Nos.1 to 3 to take back the documents listed in Annexuare-I to the application made by the Respondent Nos.1 to 3. The documents were ordered to be returned to the Respondent Nos.1 to 3 on the said Respondents jointly executing a bond in the sum of Rs.66,00,000/- with all usual conditions. The Respondent Nos.1 to 3 were directed not to sell or create any third party interests in any flat not belonging to them and for which they are not entitled.

2. The Petitioner claims to be a witness to the prosecution initiated on the basis of order passed on 19th April 1997 by the Divisional Joint Registrar of Co-operative Societies, Mumbai. The impugned order records that the learned A.P.P. as well as the Investigating Officer stated before the Trial

Court that the documents were seized by the police only with a view to verify its genuineness. The documents were not recovered under panchnama and are not directly related to the commission of alleged offence. On the basis of no objection of the prosecution, the learned Judge has passed the impugned order.

3. The learned Judge has imposed conditions regarding executing a bond in the sum of Rs.66 lacs with all usual conditions. The said condition relating to executing bond with all usual conditions protects the prosecution. The Petitioner claims to be a witness. No case is made out for interference. Petition is rejected.

JUDGE